



Docket 15869/01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Certificate of Mailing

I hereby certify that this correspondence is being deposited with the United States Postal Service in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231 with sufficient postage as first class mail this 21 day of July, 2002.

Thomas P. McBride
Thomas P. McBride
Reg. No. 32,706

RECEIVED

JUL 16 2002

TECH CENTER 1600/2900

In re the Application of: Jeffrey M. Staub et al.

Serial No: 09/843,324 Group Art Unit: 1638
Filed: April 25, 2001 Examiner: Anne R. Kubelik

For: METHOD FOR THE TRANSFORMATION OF
PLANT CELL PLASTIDS

Confirmation No. 8784

**COPY OF PAPERS
ORIGINALLY FILED**

Assistant Commissioner for Patents
Washington, D.C. 20231

RESPONSE TO ELECTION/RESTRICTION REQUIREMENT UNDER 35 U.S.C. 1.21

This paper is filed in response to the Office communication dated June 11, 2002. It is respectfully requested that the election below be entered with traverse and that the application be examined on the merits.

Remarks

In the action dated June 11, 2002, the U.S. Patent and Trademark Office required restriction under 35 U.S.C. 121 from among the following groups:

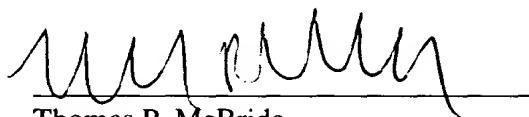
- I. Claims 1 and 3-12, drawn to a method for plastid transformation comprising introducing into the plastid two nucleic constructs and replicating the plant cell on a

- II. Claims 1-2, drawn to a method for plastid transformation comprising introducing into the plastid two nucleic constructs, replicating the plant cell on a medium containing a plastid non-lethal compound, and producing a plant containing only one of the constructs, classified in Class 800, subclass 288.
- III. Claims 13-22, drawn to a method for plastid transformation comprising introducing into the plastid a single nucleic acid construct and replicating the plant cell on a medium containing a sublethal amount of a plastid lethal compound, classified in Class 800, subclass 88.

Applicants elect Group III consisting of Claims 13-22 with traverse and respectfully request that the application be examined on the merits. Applicants believe that it would not create an undue burden on the Examiner to conduct a search encompassing all of the claims. Further, Applicants reserve the right to file divisional applications to further prosecute non-elected groups.

Should any questions arise or if Applicants or Applicants' attorney can facilitate the examination of this application, it is respectfully requested that the PTO contact the undersigned attorney.

Respectfully submitted,



Thomas P. McBride
Monsanto Company
800 North Lindbergh Boulevard
St. Louis, Missouri 63167

Reg. No. 32,706
636-737-7685 phone
636-737-6047 fax